

Action Plan for Regulatory Changes and Compliance with the Veterinary Accreditation Program (Updated 6/21/04)

Issue Group: VETERINARY ACCREDITATION

Specific Activity Being Addressed by this Action Plan: Regulatory changes and compliance for the Veterinary Accreditation Program

Recommendations Covered:

101. Strengthen the federal system of accreditation for veterinarians with more stringent qualifications including a requirement for continuing education in foreign animal diseases and reporting and use of international animal health information.

New Recommendation from Issues Group:

VA1. Strengthen the National Veterinary Accredited Program under 9 CFR, Parts 161 and 162, through reference to the Animal Health Protection Act [7 USC 8313 (b)(1)] restricting use of certificates and permits by unauthorized individuals and providing for civil penalties for unauthorized use of these documents by a non-accredited veterinarian.

VA2. Revise the current penalty guidelines for violations of the Standards of the Accredited Veterinarian to provide clarity and uniformity. Provide training to Area Veterinarians in Charge to insure uniform applications.

Issue Group Findings: The Veterinary Accreditation Program is responding to recommendations for change that have been proposed through 2 previous study groups and, recently, in the NASDA Safeguarding Review. These changes include provision for categories of accredited veterinarians and a requirement for renewal of accreditation status through proof of continuing education. These changes require that Title 9, Code of Federal Regulations, Parts 161 and 162 be revised.

Title 9, Parts 161 and 162; also include compliance requirements and penalties for violations by accredited veterinarians who fail to comply with the written standards. Currently there is a significant lack of uniformity regarding how the Area Offices respond to veterinary accreditation violations. This causes confusion, especially for veterinarians who practice and perform accreditation activities across state borders. It also results in an opinion, within some Areas, that the Program is not a serious one that will be adequately enforced.

The current regulations lack language that prohibits non-accredited veterinarians from performing activities reserved for accredited veterinarians. These individuals have not fulfilled the requirements to become an accredited veterinarian or to retain accreditation. This diminishes the strength of the program. Federal and State Animal Health officials have reported compliance issues related to the inability to prosecute non-qualified individuals who perform the duties of accredited veterinarians. State officials will support a change prohibiting non-accredited veterinarians from performing these

activities as such a change will also support compliance with their interstate and intrastate regulations. Representatives of private industry will benefit in the reliability of accredited veterinarians who will provide a service that will meet national and international standards. Private industry will also benefit from the protection provided by a well-informed and continually trained group of veterinarians.

The proposed update of the Veterinary Accreditation Program will also provide quality continuing education of accredited veterinarians and regular communication to keep them informed about Federal Programs and current domestic and international animal health activities and occurrences. However, if the Program does not provide a means to exclude veterinarians who have not fulfilled the qualifications of accreditation, the effect of improvements in the program will be diluted. Other countries that use only government-employed veterinarians have questioned the use of non-government veterinarians for health certification of animals owned by their clients. Authorities from importing countries cite conflict of interest concerns. The Veterinary Accreditation program will gain international credibility through changes in regulations that will help exclude individuals who have not met the requirements for accreditation. This will have a significant strengthening effect on our program.

APHIS, Investigative and Enforcement Services (IES) has indicated that the current penalty guidelines for violations of accreditation standards by accredited veterinarians are not clear and are not being interpreted uniformly throughout the U.S. by Veterinary Services officials. There is a need to revise these guidelines. There will also be a need to provide training for Veterinary Medical Officers in Area Offices to create a uniformly fair system for application of penalties for violations of the Standards of Veterinary Accreditation. The addition of a dedicated Veterinary Accreditation Coordinator in each of the Regional Offices will provide the oversight to see that this uniformity is attained.

Proposed Actions: As the proposed rule is in its final steps of the approval process, we are assured that the new rule includes all the program changes proposed in the NASDA review. The Safeguarding recommendation has been incorporated that references the Animal Health Protection Act's authorization to invoke civil penalties on non-accredited veterinarians who write permits and health certificates without authorization to do so.

Under the authority of the Animal Health Protection Act, insert language into 9CFR, Parts 161 and 162 indicating that penalties exist for non-accredited individuals who perform the official functions listed in Part 161. This will strengthen the National Veterinary Accreditation Program through enforcement mechanisms that will exclude non-qualified individuals from performing those activities that require veterinary accreditation under the Code of Federal Regulations.

IES should be asked to review VS Memorandum 576.1 and recommend revisions in order to standardize penalty guidelines for violations of the Veterinary Accreditation Act. A training program must be established for Area Veterinarians in Charge to educate them

about the updated Program. Information must be provided in the core orientation at veterinary colleges to ensure that graduates are knowledgeable about the requirements for Federal accreditation and the penalties that may be imposed for violations.

Implementation Plans:

Tasks

- By March 1, 2005, incorporate the new recommendations for changes in 9 CFR (noted in Proposed Actions above). Changes must include the categories of accreditation and requirements to renew accreditation under each category, requirements for continuing education, specific enforcement penalties for violations of the Act, a statement that penalties exist for non-accredited veterinarians who perform the duties of the accredited veterinarian, and a specific reference to the Animal Health Protection Act's authorization to invoke civil penalties when non-accredited veterinarians write permits and health certificates without authorization.
- After publication of the final rule, estimated to occur early in FY05, provide standardized training to Area Veterinarians in Charge (AVICs) regarding regulatory changes made in the accreditation program through presentations at National or Regional Work Conferences or modules that can be distributed to their work site. This training must include instructions for responding to violations of the regulations of the Veterinary Accreditation Program, emphasizing uniformity between Areas. The training must also emphasize that non-accredited veterinarians who violate the Veterinary Accreditation requirements must be reported to the Office of General Counsel through IES.
- In late 2004, public hearings will be held on the proposed new rule updating the Veterinary Accreditation Program. A representative of the National Program Staff and of Regulatory Analysis and Development staff will visit States requesting hearings based on the perceived needs for this communication.
- Within 4 weeks of publication of the new rule, an update of Chapter 9 of the Code of Federal Regulations, Parts 160 – 162, must be added to the APHIS website. Accredited Veterinarians will be informed of the completion of this regulatory change through the Accredited Veterinarian electronic mail system.

Accountable Individual/Group - National Veterinary Accreditation Program Staff; OGC regulatory staff, APHIS PPD rule writers, APHIS/Veterinary Services, APHIS/Investigative and Enforcement Services

Other Key Players - American Veterinary Medical Association, the National Association of Veterinary Medical Colleges, National Licensing Boards, State Departments of Agriculture

Resources needed – There are no additional expenses related to Safeguarding for the regulatory changes

Statutory/Regulatory Impacts – Expand the National Standards for Accredited Veterinarians to include Program changes, specific authorities and penalties for violations of the Act, and recognition that non-accredited veterinarians acting as accredited veterinarians are subject to prosecution.

Political Sensitivities – There is a lot of support from State and Federal animal health officials for strengthening the Safeguarding mission of the Veterinary Accreditation Program by including statements in the 9 CFR describing Program changes and by more definitive regulatory statements. However, regulatory changes are often looked at negatively because of misinterpretations of their purpose. It is important that public relations be enhanced before the rule change so that the stakeholders of the Veterinary Accreditation program will have a thorough understanding of the content and intent.

Sequencing – The plan for revision of the CFR has been approved by APHIS. The present course suggests that publication of the final rule will occur about March of 2005. Because there is a need for the new VSPS database system to be fully functional and fully maintained before the New Veterinary Accreditation program is implemented, the progress of the proposed rule may need to be temporarily interrupted. New penalty guidelines for accreditation violations (see VA1 and VA 2) must be produced during the rule revision period as they were not included in the original document. A training program for AVICs and other Program officials must be developed through interaction with APHIS, IES.

Partnering/Cooperation/Communication :

- Recommendations will continue to be sought from APHIS/IES officials and OGC so that changes in 9CFR, Parts 161 and 162 will be upheld under legal scrutiny.
- APHIS/VS, APHIS/IES, State Veterinarians and State Departments of Agriculture will cooperate in the implementation and of the regulations applicable to accredited veterinarians.
- Representatives of private industry will profit by the availability of accredited veterinarians who they know will provide a service that will meet national and international standards. Private industry will also benefit from the protection provided by a well-informed and continually trained group of veterinarians.

Expected Outcome and Performance Indicators: The reputation of the National Veterinary Accreditation Program will be elevated and compliance problems decreased through regulatory changes providing categories of accreditation for specialization, a system requiring continuing education, and strengthened compliance guidelines that will be uniform and accompanied by a program training regulatory officials in their use.

Linkages to the Strategic Plan:

- Objectives 2.1: Rapidly detect foreign and emerging animal diseases including those with public health/food safety implications.
Accredited veterinarians assigned to the approved livestock market provide important animal disease surveillance and regulatory activities. An accredited veterinarian, State representative, or APHIS representative shall be on the facility premises on all sale days to perform duties in accordance with State and Federal regulations.
- Objective 4.1: Improve market access and promote timely and efficient certification for exports of US animal, animal products, and veterinary biologics.

Accredited veterinarians provide international health certificates for exportation of animals and some animal products.

- Objectives 2.1 and 4.1 (See above): The use of accredited veterinarians is required by regulation. The accredited veterinarian has received the Federal stamp of approval and support in performance of regulatory activities. It has been provided with information and training about changing international requirements, new risks of animal diseases, and changes in animal health programs. This has resulted in a more credible veterinary resource for national and international animal health programs.